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**From:** Carr, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=001700E3669343248F94A777BB5DDCCE-RCARR02]  
**Sent:** 1/24/2014 4:11:54 PM  
**To:** 'Alasti, Isabella@DTSC' [Isabella.Alasti@dtsc.ca.gov]; Toth, Karen@DTSC [Karen.Toth@dtsc.ca.gov]; Austin, Tamarin@Waterboards [Tamarin.Austin@waterboards.ca.gov]; West, John@Waterboards [John.West@waterboards.ca.gov]  
**CC:** Goldberg, Karen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c856ce04c7fc44daae24818a8c6467f2-KGOLDBER]; Maldonado, Lewis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e9fc00f6394344feb7bc9c0041c6c289-LMALDONA]; Tran, Xuan-Mai [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b58d19190c1a443b889b1413703f2f1c-XTRAN]; Chesnutt, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e1cd369e94474c2c8a876fb16943320a-JCHESNUT]  
**Subject:** FW: Hazardous Waste Issues: Sediments from TI

I am forwarding Marvin's email for your convenience, but wanted to describe the discussions we have had within EPA.  
As noted in my earlier emails, it is not clear how much characterization of the sediment was done prior to its transport to Alameda Point, but that is certainly an issue worth pursuing.  
There is no logical/legal support for the Navy's assertion that TI can be defined in a way that allows the Site 17 drying bed to be considered "on site".  
Regardless of its regulatory status, the Site 17 drying bed appears to provide adequate environmental protection for the short term storage of the sediment based on its construction and capacity.  
EPA believes that the first priority should be to identify a compliant disposal facility and arrange for the transportation and disposal of the 6000+ cubic yards of sediment as soon as it has been sufficiently dewatered (paint filter test for free liquids?).  
EPA also believes that since the material is question is subject to State regulation, the State should evaluate enforcement options under the TI FFSRA, the Alameda FFA or other mechanisms. We would be willing to discuss our role, if any, and provide appropriate support and assistance.

Robert Carr  
415 972 3913  
FAX 415 947 3570/71

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-----Original Message-----

From: Norman, Marvin D CIV WEST Counsel [mailto:marvin.norman@navy.mil]  
Sent: Tuesday, January 21, 2014 4:46 PM  
To: Carr, Robert  
Cc: 'Alasti, Isabella@DTSC'; Tran, Xuan-Mai; Goldberg, Karen  
Subject: RE: Hazardous Waste Issues: Sediments from TI

If anything is broken, I hope we can fix it.

Here are links to the RAWP and RD.

[http://www.envirostor.dtsc.ca.gov/public/final\\_documents2.asp?global\\_id=60001095&doc\\_id=60309250](http://www.envirostor.dtsc.ca.gov/public/final_documents2.asp?global_id=60001095&doc_id=60309250)

[http://www.envirostor.dtsc.ca.gov/public/final\\_documents2.asp?global\\_id=60001095&doc\\_id=60309247](http://www.envirostor.dtsc.ca.gov/public/final_documents2.asp?global_id=60001095&doc_id=60309247)

I know the documentation for the Treasure Island response action include references to assumptions that the sediment would likely not be characterized as hazardous waste, but at each step of the way there was an awareness of the need to comply with all substantive RCRA requirements even though a permit was not required.

I understand that unlike DTSC, EPA did not have a representative that has been closely involved in the Treasure Island project. It seems that the Navy probably could have done a better job at keeping EPA in the loop regarding the potential implications of a Treasure Island project being managed in a way that could raise concerns about impact to Alameda site conditions.

-----Original Message-----

From: Carr, Robert [mailto:Carr.Robert@epa.gov]  
Sent: Tuesday, January 21, 2014 4:09 PM  
To: Norman, Marvin D CIV WEST Counsel  
Cc: 'Alasti, Isabella@DTSC'; Tran, Xuan-Mai; Goldberg, Karen  
Subject: RE: Hazardous Waste Issues: Sediments from TI

Thanks for the update. I remain concerned that Alameda Pt could meet the definition of "on-site" but am more concerned that there seems to have been little consideration given to the potential for the dredge material to trigger CAHW regulation.

Robert Carr  
415 972 3913  
FAX 415 947 3570/71

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-----Original Message-----

From: Norman, Marvin D CIV WEST Counsel [mailto:marvin.norman@navy.mil]  
Sent: Tuesday, January 21, 2014 3:44 PM  
To: Carr, Robert  
Cc: 'Alasti, Isabella@DTSC'; Tran, Xuan-Mai; Goldberg, Karen  
Subject: RE: Hazardous Waste Issues: Sediments from TI

Bob,

I think not.

As I recall, the PP and ROD/RAP only indicated that the selected remedy for Clipper Cove was focused dredging of lead contaminated sediment, backfill, and disposal of dredged lead shot-contaminated sediment at a beneficial reuse site. Initially, the planned beneficial reuse facility was Montezuma Wetlands in Solano County, California, which was contacted while the feasibility study was being conducted to evaluate the costs and implementability of this disposal option. Although Montezuma Wetlands seemed at first to be a suitable reuse site, the decision documents stated that the acceptance criteria and capacity of the site would be confirmed during the remedial design, and if needed, an alternative beneficial reuse site would be identified. I think the decision documents also stated that the Navy would consult with the Dredged Material Management Office (DMMO) during the remedial design phase.

During remedial design, DMMO ultimately expressed opposition to use of the Montezuma Wetlands site and convinced the Montezuma facility operators to say "no go" to the Navy, and the Alameda Site 1 reuse option then came into focus as an alternative beneficial reuse site.

--mdn--

-----Original Message-----

From: Carr, Robert [mailto:Carr.Robert@epa.gov]  
Sent: Tuesday, January 21, 2014 2:41 PM  
To: Norman, Marvin D CIV WEST Counsel  
Cc: 'Alasti, Isabella@DTSC'; Tran, Xuan-Mai; Goldberg, Karen  
Subject: RE: Hazardous Waste Issues: Sediments from TI

Is there anything in the TI PP or ROD/RAP that suggests that the Navy believed that Alameda Point met the definition of "on-site"?

Robert Carr  
415 972 3913  
FAX 415 947 3570/71

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-----Original Message-----

From: Norman, Marvin D CIV WEST Counsel [mailto:marvin.norman@navy.mil]  
Sent: Tuesday, January 21, 2014 1:46 PM  
To: Carr, Robert  
Cc: 'Alasti, Isabella@DTSC'; Tran, Xuan-Mai  
Subject: RE: Hazardous Waste Issues: Sediments from TI

Bob,

We have been operating under an understanding (assumption?) that transportation of the Treasure Island Clipper Cove sediment across the bay to Alameda Point for drying and classification is activity that will occur in or on "suitable areas in very close proximity to the contamination necessary for implementation of the response action" for Clipper Cove and, therefore, such activity should be considered "onsite" for purposes of the Clipper Cove response action.

Consistent with this understanding, the TI project work plans address the management of the TI sediments brought to Alameda Point. Consistent with these work plans, the proper management of the TI sediments brought to Alameda Point is an element of the TI Clipper Cove project until and unless the TI sediments are accepted by the Alameda team for use as subgrade material for the Site 1 landfill cover. There is no question that proper management of sediment that meets Site 1 fill material criteria and is stockpiled at Alameda Point for use as subgrade material for the Site 1 landfill cover would become an element of the Site 1 remedial action.

--mdn--

-----Original Message-----

From: Carr, Robert [mailto:Carr.Robert@epa.gov]  
Sent: Tuesday, January 21, 2014 9:07 AM  
To: Norman, Marvin D CIV WEST Counsel  
Cc: Alasti, Isabella@DTSC; Tran, Xuan-Mai  
Subject: Hazardous Waste Issues: Sediments from TI

Although the TI sediments being managed at Alameda Point have been determined to be CA hazardous, but not RCRA hazardous, EPA is very concerned that the Navy response below does little to help resolve the potential FFA violations at Alameda and does even less to assure that the material is being managed in a manner which is both protective of human health and the environment and compliant with State law. It is our understanding that the justification for bringing the TI material to Alameda Point was the Navy's belief that some or all of it would be suitable for use as subgrade material for the Site 1 landfill cover. The proper management of the material therefore becomes an element of the Site 1 remedial action and is subject to EPA and State oversight under the FFA. It is imperative therefore that the Navy provide all relevant information regarding this material directly to the Alameda BCT. At a minimum we need sample results and locations for the material at Alameda; ongoing actions to properly manage the sediments; analysis of samples from the leachate and management measures to address any hazardous constituents present. Data collected before the material was excavated would also be helpful. We also need to know how long the Navy intends to hold this material at Alameda and how and where it will be disposed of. Compliance with the CERCLA off-site rule must be considered.

Robert Carr  
415 972 3913  
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-----Original Message-----

From: Robinson, Derek J CIV NAVFACHQ, BRAC PMO [mailto:derek.j.robinson1@navy.mil]  
Sent: Wednesday, January 15, 2014 3:05 PM  
To: Toth, Karen@DTSC; Forman, Keith S CIV NAVFACHQ, BRAC PMO; rsunga@dtsc.ca.gov  
Cc: Tran, Xuan-Mai; West, John@waterboards; Fyfe, James@DTSC; Peter Russell; Carr, Robert; Norman, Marvin D CIV WEST Counsel; Alasti, Isabella@DTSC; Austin, Tamarin@waterboards; Elias, David@waterboards; Naugle, Alec@waterboards; Lichens, Christopher; Chesnutt, John; Megliola, Anthony M CIV NAVFACHQ, BRAC PMO; Hill, John M CIV NAVFACHQ, BRAC PMO; Lord, Jacques P CTR NAVFACHQ, BRAC PMO  
Subject: RE: Sediments from TI

Hello Ms. Toth,

Thank you for your request and questions. I have received them and forwarded on to the appropriate Navy people.

The Treasure Island (TI) team is in a BCT meeting today and not available at present. I was able to touch base with the team this morning and it is my understanding that Ms. Remedios Sunga (TI DTSC representative) has already been given the data. I have included Keith Forman (Navy TI BEC) and Ms. Sunga on this email and assume one of them will send you the requested information. I expect that Ms. Sunga would also have a copy of the work plan, which I believe will answer many of your questions.

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As far as Alameda Site 1 goes, we will not be accepting soil that has failed the Site 1 fill material criteria. Soil that is not accepted will be handled and disposed of in accordance with the TI project work plan.

Best Regards,

Derek J. Robinson, PE  
BRAC Environmental Coordinator  
NAVFAC HQ, BRAC PMO  
1455 Frazee Road; Suite 900  
San Diego, CA 92108  
(619) 532-0951

-----Original Message-----

From: Toth, Karen@DTSC [mailto:Karen.Toth@dtsc.ca.gov]  
Sent: Wednesday, January 15, 2014 11:30 AM  
To: Robinson, Derek J CIV NAVFACHQ, BRAC PMO; Lord, Jacques P CTR NAVFACHQ, BRAC PMO  
Cc: Tran, Xuan-Mai; West, John@waterboards; Fyfe, James@DTSC; Peter Russell; Carr, Robert; Norman, Marvin D CIV WEST Counsel; Alasti, Isabella@DTSC; Austin, Tamarin@waterboards; Elias, David@waterboards; Naugle, Alec@waterboards; Christopher Lichens (lichens.christopher@epa.gov); Chesnutt, John (Chesnutt.John@epa.gov)  
Subject: Sediments from TI

Derek/Jacques

It is my understanding that you have received data from stockpile sampling at Alameda which indicates that some of the sediment would be classified as a California Hazardous Waste.

Please immediately provide DTSC with copies of the data.

Please also describe how these stockpiles are being managed. How are they contained, how is runoff being managed, etc.

Also, I need to understand how you are planning on complying with California Health & Safety Code, Division 20, Chapter 6.5 which is California's Hazardous Waste Control Law and Title 22 Social Security, Division 4.5, Environmental Health Standards for the Management of Hazardous Waste.

Karen Toth, P.E., Unit Chief  
Department of Toxic Substances Control  
Brownfields and Environmental Restoration Program Berkeley Office  
510.540.3834